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Calendar No. 917

100TH CONGRESS
2d Session

SENATE

REPORT
100-497

AMENDING TITLE 3, UNITED STATES CODE, TO ESTABLISH A SINGLE POLL CLOSING TIME IN THE CONTINENTAL UNITED STATES FOR PRESIDENTIAL GENERAL ELECTIONS

AUGUST 25, 1988.—Ordered to be printed

Filed, under authority of the order of the Senate of August 11 (legislative day, August 10), 1988

Mr. FORD, from the Committee on Rules and Administration, submitted the following

REPORT

[To accompany S. 182]

The Committee on Rules and Administration, having considered S. 182, a bill to amend title 3, United States Code, to establish a single poll closing time in the continental United States for Presidential general elections, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill as amended do pass.

BACKGROUND

The first bill to bring about uniform poll closing was introduced in 1971 and supported by a bipartisan group of Senators from the South and West who were concerned about the early reporting of elections in the Northeast. Nowadays, the analysis by the networks through "exit polling" of a portion of the votes in the Northeast, their announcement of early projections of results, and the effect of such announcements on voter turnout, are becoming increasingly troublesome to the electoral process. Potential voters, especially in the western states, may be discouraged from going to the polls by hearing early announcements of projected winners. In the 1984 Presidential election all three of the major networks had declared President Reagan's reelection by 5:30 Pacific Standard time, with the polls in 26 states still open.

Uniform poll closing is one solution to the problem, but the cooperation of the major networks is essential to its success. The Subcommittee on Elections of the Committee on House Administration

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held extensive hearings on this issue, and H.R. 435, the House version of S. 182, was passed November 10, 1987. Requests were made of ABC, CBS and NBC for a firm explicit public corporate commitment not to use exit poll data to suggest through interpretation of that data the probable winner in any State until polls in that State have closed. Each of the three networks affirmed by letter their commitment, at least through the 1988 elections, to that policy.

S. 182 was introduced by Senator Riegle on January 6, 1987, and referred to the Committee on Rules and Administration. The committee held a hearing on the measure on May 12, 1988, at which Senator Adams presided. Congressmen Swift and Thomas testified as to hearings held in the House, and officers of ABC, CBS and NBC reiterated to the Committee their commitment, as made to the House, concerning the use of exit poll data.

Representatives of the Air Transport Association of America and Daylight Saving Time Coalition spoke in opposition to S. 182, suggesting that airline travel would be disrupted if daylight saving time were extended for part of the country (a provision of the original bill).

Committee Action

On August 3, 1988, the Committee on Rules and Administration held a markup session on S. 182. Chairman Wendell H. Ford offered an amendment in the nature of a substitute.

The amended bill would establish for Presidential general elections the hour of 10 p.m., Eastern Standard time, as the time polls in the continental United States would close, but would allow those states that permit polls to close after all eligible voters have voted to continue that practice. The States of Alaska and Hawaii are exempted.

The original bill called for a 9 p.m. closing time, and it extended daylight saving time in the Pacific Time Zone until after election day in order to permit the polls in western states to remain open until 7 p.m. By changing the closing time to 10 p.m. eastern standard time, the 7 p.m. closing on the west coast is maintained without having to extend daylight saving time.

After discussion, which included the issue of the exemption of Alaska and Hawaii and their possible inclusion in the future, the amended bill passed by a record vote of 10–1 and was ordered reported favorably by the Committee.

Committee Rollcall Vote

In compliance with paragraph 7 (b) and (c) of Rule XXVI of the Standing Rules of the Senate, the record of the rollcall vote in the

Committee on Rules and Administration during its consideration of S. 182, to report it favorably, as amended, was:

YEAS—10	NAYS—1
Mr. Pell	Mr. Helms
Mr. Inouye	
Mr. DeConcini	
Mr. Gore	
Mr. Dodd	
Mr. Adams	
Mr. Stevens	
Mr. Hatfield	
Mr. Garn	
Mr. Ford	

SECTION-BY-SECTION ANALYSIS, COMMITTEE SUBSTITUTE AMENDMENT TO S. 182

Section 1. This act may be cited as the Uniform Poll Closing Act of 1988.

Section 2 amends Chapter 1 of title 3, United States Code, by—

(1) redesignating section 21 of that Chapter as section 22; and

(2) inserting after section 20 a new section entitled—

Section 21. Single poll closing time in continental United States

Section 21(a) provides that, with respect to a Presidential general election, each polling place in the continental United States must close at 10 p.m. eastern standard time, and any person who, as determined by State law, arrives at a polling place after that time will not be permitted to vote.

Section 21(b) provides that, notwithstanding subsection (a), a polling place at which all eligible voters have voted in a Presidential general election may close, as provided by State law.

Section 21(c) defines the terms "continental United States" and "Presidential general election" as used in this bill.

Section 3 of the bill amends the table of sections for chapter 1 of title 3, United States Code, to reflect the insertion of the new section 21.

COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 11, 1988.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 182, a bill to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections, as ordered reported by the Senate Committee on Rules and Administration, August 3, 1988. We estimate that this bill would result in no cost to the federal government but would increase net costs to

state and local governments in Presidential election years by $4 million to $5 million.

S. 182 would amend Title 3 of the United States Code to establish 10 p.m. eastern standard time as poll closing time in the continental United States for a Presidential general election.

CBO estimates that no cost to the federal government would result from enactment of this legislation. However, assuming states would not change their polling hours except to comply with the uniform closing time and assuming that polling place workers would be paid for additional hours of work, 39 states and the District of Columbia would incur additional costs in Presidential election years to keep polling places open from one to four hours longer than under current law. On the other hand, some savings would result because four states would be required to close polling places earlier. We estimate that the net effect of these changes would be an additional cost to state and local governments of $4 million to $5 million in 1992 and similar amounts, adjusted for inflation, in each future Presidential election year. If states were to compensate for later closing times by opening the polls later in the morning, the estimated costs resulting from this bill would be smaller.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Theresa Gullo, who can be reached at 226–2860.

Sincerely,

JAMES L. BLUM,
Acting Director.

REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee does not consider that enactment of S. 182, as amended, would have any regulatory impact.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported by the Committee on Rules and Administration, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

TITLE 3, UNITED STATES CODE

* * * * * * *

CHAPTER 1—PRESIDENTIAL ELECTIONS AND VACANCIES

Sec.
1. Time of appointing electors.

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[21. Definitions]
21. Single poll closing time in continental United States.

22. Definitions.

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§ 21. Single poll closing time in continental United States

(a) Each polling place in the continental United States shall close, with respect to a Presidential general election, at 10:00 o'clock post meridiem, eastern standard time. Any person who, as determined under the law of the State involved, arrives at a polling place after that time shall not be permitted to vote in the Presidential general election.

(b) With respect to a Presidential general election, in the case of a polling place at which each person who is eligible to vote has voted, such polling place may close, as provided by the law of the State involved, notwithstanding the provisions of subsection (a).

(c) As used in this section, the term—

(1) "continental United States" means the States of the United States (other than Alaska and Hawaii) and the District of Columbia; and

(2) "Presidential general election" means the election for electors of President and Vice President.

[21.] *22.* Definitions

As used in this chapter the term—

(a) "State" includes the District of Columbia.

(b) "executives of each State" includes the Board of Commissioners of the District of Columbia.

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